

COMMITTEE OPPOSING THE ANTI-JAPANESE INITIATIVE

In the official pamphlet of instructions to voters the anti-Japanese initiative heads the list of initiative measures upon which the voters of this State will act in November. There will also be found

THE ARGUMENT AGAINST THE ANTI-JAPANESE INITIATIVE BY JNO.

P. IRISH, APPOINTED BY THE
LIEUTENANT GOVERNOR

"This initiative raises questions of cold law, to which I invite the very thoughtful attention of the voters.

"Our treaty with Japan provides that the Japanese here 'may own or hire and occupy houses, manufactories, warehouses, shops and premises and lease land for residential and commercial purposes.' In its economic definition commerce consists of Production, Transmutation and Exchange. Production is the ranking element because without it there can be no commerce. The treaty protects the right of Japanese to hire or own manufactories, for transmutation, warehouses, necessary to exchange, and to lease land for commercial purposes. Land employed in agricultural production is employed in a commercial purpose. The treaty is intended, then, to give the Japanese privilege to enter upon complete commerce, and therefore protects their right to lease land for production. Any other interpretation twists the plain language of the treaty into vain repetition. Considered in the light of the fourteenth amendment to the Constitution of the United States, which says: 'No state shall deny to any person within its jurisdiction the equal protection of the law,' we find the initiative in conflict with our own Constitution, since it proposes a discrim-

inatory classification of aliens, conferring upon one class the protection of the law which it denies to another class.

"This discrimination applies also to the leasing of land denied to Japanese and permitted to other aliens. It also applies to the feature of the initiative which subjects Japanese minors who own land to the guardianship of the Public Administrator, but exempts other alien minors who own land from such guardianship.

"These proposed discriminations against classes of aliens, were adopted by the people of another state by the initiative and were voided by the U. S. Supreme Court as unconstitutional. That court held that 'equal protection of the laws, is applicable to all persons, without regard to any differences of race, color or nationality' and that discrimination under the pretense of 'promoting the health, safety, morals and welfare,' is unconstitutional, and denies 'the very essence of personal freedom and opportunity it was the purpose of the amendment to secure.' And 'if such freedom could be refused upon the ground of race or nationality, the prohibition of the denial to any person of the equal protection of the laws would be a barren form of words.'

"In the foregoing I have stripped the initiative of its cryptic and involved language and technicalities, so that it is naked in its two purposes: First, to forbid the leasing of land to Japanese and Chinese; and Second, to take land-owning minors of those races from the natural guardianship of the parents and commit them to the control of the Public Administrator. All the other confusing propositions of the initiative respecting holdings in corporations, etc., are subordinate to these two. Landowners are warned that if the State can forbid them to lease to a certain class, it can also compel them to lease to a certain other class. They must resist this invasion of liberty."

To that argument no answer has been made by the anti-Japanese agitators, because it is so self evident that it cannot be disputed.

To support that argument this Committee is organized. Its purpose is to publish the truth and expose the falsehoods by which it is attempted to stampede the people into support of the anti-Japanese initiative, and incidentally to elect to office

several politicians whose sole claim to support is their abuse of the Japanese.

Believing that the sore needs of the country demand a higher form of politics than the abuse and misrepresentation of the orderly, intelligent, industrious and law-abiding Japanese, who were our useful allies in the world war, and who are here by our invitation in a treaty made with their country, we declare our position to be, that without increase in their number by immigration, the Japanese who are here have earned and deserve the respect and support of our people, and that to expel them by persecution will inflict great moral and economic injury upon California. Such being our position we invite the men and women of this State to join our standard and support the honor and the Christian civilization of California by opposing this unjust, unnecessary, un-Christian, illegal and inhuman initiative, and leaving the settlement of any issue involved, to the Federal Government, where it belongs.

As the most powerful advocates of the expulsion of the Japanese are on record as proposing to colonize the State with Southern negroes, we unite with the thinking people of California opposing such an exchange, as involving an unspeakable peril to the women of the State.

The sub-committee on discussion is authorized to challenge the anti-Japanese organization to a public, joint discussion of the Japanese question, with our representative, in order that the people be no longer misled by ex parte statements lacking in the element of truth.

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